



January 30, 2025

Larry S. Royster
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2024-03: Proposed Amendment of Rule 2.003 of the Michigan Court Rules

Dear Clerk Royster:

At its January 24, 2025 meeting, the Board of Commissioners of the State Bar of Michigan considered ADM File No. 2024-03. In its review, the Board considered a recommendation from the Civil Procedure & Courts Committee. The Board voted unanimously to oppose the proposed amendment of Rule 2.003.

While the Board understands the potential desirability of having business court actions assigned to business court judges, they ultimately deemed the parties' venue to be of greater importance to ensuring that a judge is familiar with the business community circumstances surrounding a given action, and therefore to the administration of justice. The parties' choice of venue could be preserved, for example, by adopting a rule that provides for the reassignment of actions where a business court judge is disqualified to another civil judge in the same judicial circuit, in which case that judge could be designated a business court judge for the purpose of that proceeding. Such an approach would ensure that reassignment does not create a jurisdictional defect in the matter. See MCL 600.8035.

Thank you for the opportunity to comment on the proposed amendment.

Sincerely,

A handwritten signature in dark ink, reading 'Peter Cunningham'.

Peter Cunningham
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court
Joseph P. McGill, President

